

THE HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

PAPA MURPHY'S INTERNATIONAL,
INC., a Delaware corporation; et al.,

Plaintiffs,

v.

PARTECH, INC., a New York corporation,

Defendant.

No. 3:09-CV-05043-RBL

STIPULATION AND ORDER TO
CONSOLIDATE CASES

PARTECH, INC., a New York corporation,

Plaintiff,

v.

PAPA MURPHY'S INTERNATIONAL,
INC.,

Defendant.

No. 3:09-CV-05243 (RBL)

STIPULATION TO CONSOLIDATE CASES

PAPA MURPHY'S INTERNATIONAL, INC. and PARTECH, INC., pursuant to Rule 42(a) of the Federal Rules of Civil Procedure, hereby request this Court to consolidate the above-referenced two actions filed in the United States District Court for the Western District of Washington at Tacoma. In support of this Stipulation, the parties state as follows:

CERTIFICATE OF SERVICE

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1. On January 8, 2009, ParTech, Inc. filed an action in the USDC Northern District of New York, Case. No. 6:09-CV-28, against Papa Murphy's International, Inc. On April 23, 2009, the Honorable David N. Hurd ordered the case transferred from the USDC Northern District of New York to the USDC Western District of Washington at Tacoma.

2. Receipt of the docket for this action was received by this Court on April 27, 2009, and this case was assigned to the Honorable Ronald B. Leighton as Case No. 09-CV-05243.

3. On January 27, 2009, Papa Murphy's International, Inc., along with a substantial number of its franchisees, filed an action in this Court, Case No. 09-CV-05043, against ParTech, Inc. This case is also assigned to the Honorable Ronald B. Leighton.

4. Both of these cases involve overlapping legal and factual questions. Each of the actions includes parties ParTech, Inc. and Papa Murphy's International, Inc. Both cases are assigned to Judge Ronald B. Leighton. Given the common parties, facts, claims, and legal issues, consolidation of these two actions is warranted. *See, e.g.*, Fed. R. Civ. P. 42(a) ("[w]hen actions involving a common question of law or fact are pending before the court, . . . it may order all the actions consolidated; and it may make such orders concerning proceedings therein as may ten to avoid unnecessary costs or delay.").

Accordingly, the parties to these actions respectfully request this Court to enter an order consolidating Case Nos. 3:09-CV-05043-RBL and 3:09-CV-05243 (RBL)) for all purposes, including discovery and trial.

Dated: May 11, 2009

s/Sarah J. Crooks
Sarah J. Crooks, WSBA No. 35997
Perkins Coie LLP
1120 NW Couch Street, 10th Floor
Portland, OR 97209-4128
Telephone: 503.727.2000
Facsimile: 503.727.2222

Attorneys for Papa Murphy's International,
Inc., et al.

s/Kerry J. Shepherd
Kerry J. Shepherd, WSBA No. 19070
Markowitz, Herbold, Glade & Mehlhaf,
3000 Pacwest Center
1211 SW Fifth Avenue
Portland, OR 97204-3730
Telephone: 503.295-3085
Facsimile: 503.323-9105

Attorneys for ParTech, Inc.

[PROPOSED] ORDER

Based upon the foregoing Stipulation, IT IS HEREBY
ORDERED that Case Nos. 3:09-CV-05043-RBL and 3:09-CV-05243 (RBL) are
herewith consolidated.

DATED this 12th day of May, 2009.


RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE

Presented by:

PERKINS COIE LLP

/s/ Sarah J. Crooks
Sarah J. Crooks, WSBA No. 35997
SCrooks@perkinscoie.com
1120 NW Couch Street, 10th Floor
Portland, OR 97209-4128
Telephone: 503-727-2000
Facsimile: 503-727-2222

Attorneys for Papa Murphy's International, Inc., et al.